

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent No.: 7,491,722 B2	)	
	)	
Inventors: Vittorio DAL PIAZ et al.	)	Group Art Unit: 1624
	)	
Issue Date.: February 17, 2009	)	Examiner: Cecilia M. Jaisle
	)	
For: NEW PYRIDAZIN-3(2H)-ONE DERIVATIVES	)	Confirmation No.: 5918
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT—POST GRANT**

In accordance with 37 C.F.R. § 1.705(b), Applicant hereby applies for patent term adjustment under 35 U.S.C. § 154(b) of 282 days. This application is being filed within two months of issuance of the above patent, as required by 37 C.F.R. § 1.705(d).

**I. Statement of the Facts Involved**

**A. Correct Patent Term Adjustment**

According to information printed on the face of the above-identified issued patent, this patent is entitled to 226 days of patent term adjustment.

Applicant has calculated a patent term adjustment of 282 days based on the following facts:

The application has a § 371(c) date of December 14, 2005. A Non-Final Rejection dated September 19, 2007, was the first Office Action on the application, creating a U.S. Patent and Trademark Office (PTO) delay of 217 days.

The Applicant filed a Response after Non-Final Action on December 19, 2007. The PTO then mailed a Final Rejection on February 4, 2008, and the Applicant filed an Amendment after Final Rejection on May 1, 2008.

The application was allowed on July 9, 2008, and the issue fee was paid on October 8, 2008. The patent issued on February 17, 2009, creating a PTO delay of 9 days.

The three-year pendency date for the determination of patent term adjustment ("PTA") is December 14, 2008. The patent issued on February 17, 2009, creating a PTO delay of 65 days with respect to the three-year pendency rule.

Because only the nine-day PTO delay in issuing the patent occurred after the three year pendency, Applicant is entitled to patent term adjustment for all other delays. Accordingly, in view of the decision of the Federal District Court for the District of Columbia in *Wyeth v. Dudas* on September 30, 2008, the total adjustment based on PTO delay is 282 days (i.e., 217 days plus 65 days). Applicant respectfully requests that the current patent term adjustment be reconsidered.

#### **B. Terminal Disclaimer**

The above-identified application is not subject to a Terminal Disclaimer.

**C. Reasonable Efforts**

It is the undersigned's belief that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

**II. Fee**

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 9, 2009

By: 

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